

Senators Albers of the 56th, Robertson of the 29th and Harper of the 7th offered the following amendment:

Amend the Senate Judiciary Substitute to SB 222 (LC 28 9301S) by replacing lines 1 and 2 with the following:

To amend Titles 15, 17, and 35 of the Official Code of Georgia Annotated, courts, criminal procedure, and law enforcement, so as to provide for a uniform misdemeanor citation; to create the Georgia Council on Criminal Justice Reform and provide for its members,

By replacing line 8 with the following:

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by repealing Code Section 15-5-21.1, relating to development and utilization of uniform misdemeanor citation and complaint form, in its entirety.

SECTION 2.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising paragraphs (1) and (2) of subsection (a) of Code Section 17-4-23, relating to procedure for arrests by citation for motor vehicle violations, issuance of warrants for arrest for failure of persons charged to appear in court, and bond, as follows:

"(a)(1) A law enforcement officer may arrest a person accused of violating any law or ordinance enacted by local law governing the operation, licensing, registration, maintenance, or inspection of motor vehicles or violating paragraph (2), (3), or (5) of subsection (a) of Code Section 3-3-23 by the issuance of a citation, as provided by Code Section 35-3-15 or 40-13-1, provided that such offense is committed in his or her presence or information constituting a basis for such arrest was received by the arresting officer from a law enforcement officer observing such offense being committed, except that, when such offense results in an accident, an investigating officer may issue citations regardless of whether the offense occurred in the presence of a law enforcement officer.

(2) A law enforcement officer may arrest a person accused of any misdemeanor violation of Code Section 16-7-21, 16-8-14, 16-8-14.1, or 16-13-30 by the issuance of a citation, as provided by Code Section 35-3-15 or 40-13-1, provided that such offense is committed in his or her presence or information constituting a basis for such arrest was received by the arresting officer or an investigating officer from another law enforcement officer or other individual observing or aware of such offense being committed. When an arrest is made for such offense, prior to releasing the accused on citation, the arresting law

enforcement officer shall review the accused's criminal record as such is on file with the Federal Bureau of Investigation and the Georgia Crime Information Center within the Georgia Bureau of Investigation and verify the identity of the accused through ~~ensure that~~ the accused's fingerprints ~~are obtained~~ or some other means."

SECTION 3.

Said title is further

By redesignating Section 2 as Section 5 and by inserting after line 101 the following:

SECTION 4.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement, is amended in Article 1 of Chapter 3, relating to general provisions regarding the Georgia Bureau of Investigation, by adding a new Code section to read as follows:

"35-3-15.

The Georgia Bureau of Investigation shall develop a uniform misdemeanor citation and complaint form for use by all law enforcement officials who are empowered to arrest individuals for misdemeanors and local ordinance violations. Such form shall serve as the citation, summons, accusation, or other instrument of prosecution of the offense or offenses for which the accused is charged and as the record of the disposition of the matter by the court before which the accused is brought and contain other matter as the council provides. Each such form shall have a unique identifying number which shall serve as the docket number for the court having jurisdiction of the accused. The Board of Public Safety shall promulgate rules and regulations for each class of court for the use of such citations."